

REMARKS

Claims 2, 3, and 7-14 have been canceled. Claim 15 has been amended to incorporate the recitations of claim 2. Claims 18-26 have been added corresponding to claims 3 and 7-14 except for depending directly or indirectly on claim 15.

Entry of the above amendment is respectfully requested.

Art Rejections

On page 2 of the Office Action, claims 2-3 and 7-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Weber et al. (Free Rad. & Med., 1997, 22(5), pages 761-769) in view of Takata et al. (J. Pharm. Sci., 1995, 84(1), pages 96-100). On page 3 of the Office Action, claims 15-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Weber et al. (Free Rad. & Med., 1997, 22(5), pages 761-769) in view of Takata et al. (J. Pharm. Sci., 1995, 84(1), pages 96-100) as applied to claim 2, and further in view of Yasuaki (JP 62-106005). On page 4 of the Office Action, claims 2-3 and 7-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Burke et al. (Nutrition and Cancer, 2000, 38(1), pages 87-97) in view of Takata et al. (J. Pharm. Sci., 1995, 84(1), pages 96-100).

Applicants respectfully submit that the present invention is not obvious over the cited art, and request that the Examiner reconsider and withdraw these rejections in view of the following remarks.

Initially, Applicants note that claims 2-3 and 7-14 have been canceled, so the rejection of those claims is moot.

As to claims 15-17, Applicants note that these claims are directed to a method. In connection with this, Applicants wish to point it out that Takata et al actually fails to teach parenteral administration, which includes dermal application like in the present invention. Takata et al only discloses the analysis of kinetics of hydrolysis in vitro. Therefore, Applicants submit that Takata et al fails to teach or suggest a method of applying a whitening cosmetic composition to the skin like in the present invention.

Moreover, Applicants submit that the present invention is not obvious because it provides unexpectedly superior results. To support the unexpectedly superior effects of the method of the present invention, Applicants submit herewith an unexecuted Declaration (the executed Declaration will be submitted promptly after it is received). As can be seen from the experimentation in the Declaration, and as discussed on page 5 of the Declaration, the tocopherol dimethylglycine ester hydrochloride has effects of preventing pigmentation superior to that of other compounds, and it is submitted that such superior results would not have been expected from the art. Thus, the present invention is not obvious for this additional reason.

Therefore, Applicants submit that the present invention is not obvious over the cited art combinations, and withdrawal of these rejections is respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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